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09/638,388	08/15/2000	Philip D. Mooney	MOONEY	1998

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Farkas & Manelli PLLC
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EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/638,388

Applicant(s)

MOONEY ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following office action is in response to the After Final Amendment/Reconsideration filed October 24, 2005. The finality of the previous office action has been withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 11-16, 18, 20-23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by De la Huerga (US 5,960,085).

As to independent claim 1, De la Huerga discloses an electronic wireless badge device (Fig. 1, col. 9, lines 20-29) comprising, a wireless front end (col. 9, lines 29-45, col. 10, lines 35-44), an information exchange module to wirelessly communicate with a database (col. 9, lines 20-45) and an electronic display (Fig. 1, item 16) adapted to electronically display a photograph on said wireless badge (Fig. 1, item 16, col. 9, lines 29, 45-50).

As to independent claim 8, limitation of claim 1, and further comprising, De la Huerga discloses a network security station, comprising, a database of badge information corresponding to said authorized user codes; and a wireless front end adapted to transmit badge information retrieved from said database of badge information (col. 10, lines 35-col. 11, lines 2).

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As to independent claims 12 and 20, limitations of claims 1 and 8, and further comprising, De la Huerga disclose electronically displaying said badge display information on each of said plurality of electronic wireless badges (col. 9, lines 45-50).

As to dependent claims 2, 9, 14 and 22, limitations of claims 1, 8, 12 and 20, and further comprising De la Huerga disclose where said electronic display is adapted to display any of one of a plurality of different badge information at any one time (col. 9, lines 45-50).

As to dependent claims 3, 13 and 21, limitations of claim 1, 8, 12 and 20, and further comprising, De la Huerga discloses where the wireless front end is a wireless piconet front end or a central station with several remote stations with several communications units or wireless badges (col. 10, lines 335-col. 11, line 2).

As to dependent claim 5, limitations of claim 1, and further comprising De la Huerga disclose wherein said badge information includes a photo of an authorized wearer (Fig. 1, item 16, col. 9, lines 20-50).

As to dependent claim 6, limitations of claim 1, and further comprising De la Huerga disclose wherein said electronic display is an LCD device (col. 9, lines 45-50).

As to dependent claim 7, limitations of claim 1, and further comprising, De la Huerga disclose a non-volatile memory for storing badge information on said badge display (col. 9, lines 20-50). De la Huerga also discloses in another embodiment, Fig. 2, col. 9, lines 51-65, where the badge could be a wrist type which includes a memory element that contains a variety of information.

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As to dependent claim 11, limitations of claim 8, and further comprising De la Huerga disclose wherein said badge information includes a photo of an authorized wearer (Fig. 1, item 16).

As to dependent claims 15 and 23, limitations of claims 13 and 21, and further comprising, De la Huerga disclose authorizing said electronic wireless badges to receive user identification display information (col. 9, lines 45-65).

As to dependent claims 18 and 26, limitations of claims 13 and 21, and further comprising, De la Huerga disclose linking badge information stored in said electronic wireless badge (col. 10, lines 35-col. 11, lines 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 17, 19, 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over De la Huerga (US 5,960,085).

As to dependent claim 16 and 24, limitations of claims 13 and 21, and further comprising, De la Huerga does not disclose altering said badge display information periodically to prevent fraud. However, Examiner takes Official Notice of the feature of altering said badge display information periodically to prevent fraud. It would have been obvious to one of ordinary skill in the art to alter badge information as is well known in the art to alter security features such as passwords to prevent unauthorized use or access.

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As to dependent claims 17 and 25, limitations of claims 16 and 24, and further comprising, De la Huerga fail to explicitly disclose flashing a display of said wireless badges in concert. However, Examiner takes Official Notice of the features of flashing a display as it is well known in the art for displays to flash. It would have been obvious to one of ordinary skill in the art to include the features of flashing a display as the flashing would show an indication of “flagging” an individual in a restricted access area.

As to dependent claims 19 and 27, limitations of claims 18 and 26, and further comprising De la Huerga does not disclose wherein said application computer is a register checkout. However, De la Huerga disclose where the computers store information in order to enter or exit an area, time keeping, personal identification information. It would have been obvious to one of ordinary skill in the art to have the application computer be a register checkout as the identification card could easily store information from credit cards for use at the checkout, and would be advantageous as it would enable the user to only carry one card for all purposes.

5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over De la Huerga (US 5,960,085) in view of Bork et al (US 6,246,376).

As to dependent claims 4 and 10, limitations of claims 1 and 8, and further comprising De la Huerga does not disclose a BLUETOOTH device. Bork et al disclose in col. 2, lines 4-11 where a wireless location and direction indicator users BLUETOOTH protocol, which permits multiple piconets to exist in, close proximity. It would have been obvious to one of ordinary skill in the art to include a BLUETOOTH device as disclosed by Bork et al in De la Huerga in order to communicate means for locating and subsequently sending other information to the wireless badges. Bork et al disclose a system for wireless locating for multiple devices. The

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piconets using BLUETOOTH are advantageous as it is capable of communicating with like communication devices to transfer identification data and either fixed or variable location data as disclosed by Bork et al.

Response to Arguments

6. Applicant's arguments, see After Final Amendment/Reconsideration, filed October 24, 2005, with respect to the rejection(s) of claim(s) 1-27 under Ho et al in view of Nicolich and Tuttle have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of De la Hueraga. The finality of the previous office action has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Srilakshmi K. Kumar

Examiner

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SKK

November 18, 2005



SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER